

June 2020

More Closings, Fewer Staff: Mayor’s Executive Budget Proposes Substantial Spending Reductions for the City’s Jails

In the 2021 Executive Budget for the Department of Correction, the de Blasio Administration announced plans to reduce staff headcount by over 1,700 positions along with the closure of more jail facilities, saving \$100 million in 2021 and \$144 million annually in 2022 and later years (unless otherwise noted, all years refer to city fiscal years). Total planned capital spending for the new borough jails that would replace facilities on Rikers Island remains unchanged, although the procurement timeline has been pushed back a year.

Since January’s Preliminary Budget, the city’s jail population has been sharply reduced in response to the Covid-19 pandemic. Further changes are likely, as the need to avoid close physical contact among people in custody places new demands on city jails and recent revisions to last year’s state-mandated bail reform take effect in July.

Jail Population Trends and Facility Plans As of the Preliminary Budget

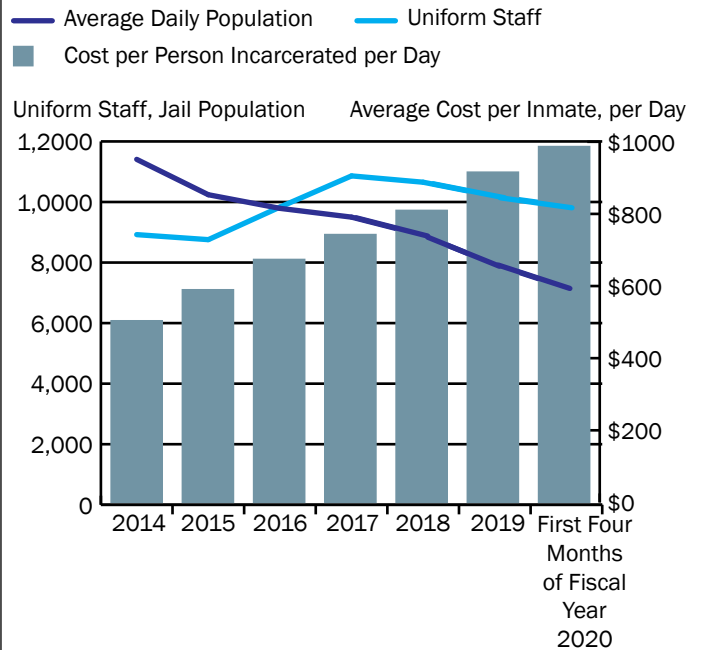
The city’s jail population has been decreasing steadily for years; under the de Blasio Administration, the average daily population declined from 11,408 in 2014 to 7,166 during the first four months of 2020. The de Blasio Administration anticipates that the declines will continue with the average daily population falling to 3,300 by 2026, which is the planned capacity for the new borough based jail system.

When the Mayor released his Preliminary Budget in January, the population seemed poised to continue shrinking due to continuing City Hall policies such as the increase in supervised release as an alternative to pretrial detention, as well as declining crime rates. In addition, an initial set of statewide bail reforms took effect January 1, 2020, which eliminated the option for cash bail for

pre-trial detention for a number of offenses, including most misdemeanors and nonviolent felonies. More recent legislation walking back some of these new rules is scheduled to take effect on July 1, 2020.

Although uniformed staffing levels at city jails have also decreased over the past few years, the decline has been much slower than the drop in the number of individuals incarcerated, driving up average costs per inmate. Another

Daily Inmate Population Has Declined More Rapidly Than Uniformed Staff, Driving Increases in Cost Per Inmate



SOURCES: Mayor’s Management Reports, Fiscal Years 2014-2019; Preliminary Mayor’s Management Report Fiscal Year 2020; Message of the Mayor 2016-2020

NOTES: Estimates of cost per inmate are based on agency costs plus fringe benefits, pensions, and debt service. Cost per inmate in 2019 and 2020 are IBO estimates.

New York City Independent Budget Office



New York City
Independent Budget Office
Ronnie Lowenstein, Director

110 William St., 14th floor
New York, NY 10038
Tel. (212) 442-0632

Fax (212) 442-0350
iboenews@ibo.nyc.ny.us
www.ibo.nyc.ny.us



factor pushing up average costs are the considerable fixed costs in corrections, which at a given point in time are largely unrelated to the number of individuals jailed. IBO estimates that the cost of jailing an individual averaged just over \$900 a day in 2019, and almost \$1,000 a day for the first four months of 2020.

As of the Preliminary Budget, construction costs for the new borough-based jail facilities were projected to total \$8.7 billion, with work expected to run from June 2020 to June 2026, when construction would be complete.¹ Annual commitments for the new jails were set to reach a peak of \$2.2 billion in 2023 before declining each year until a final commitment of \$955 million in 2026.

How Big Will the Jails Need to Be?

Two major developments since January's Preliminary Budget have affected the number of individuals in city jails and the facilities needed to house them, raising questions about the future size and footprint of the new jails. In order to mitigate the spread of Covid-19 among the incarcerated population in the city's jails, beginning in mid-March the de Blasio Administration began releasing certain groups of inmates, including those with underlying health conditions, those 50 and over, and those close to finishing a city sentence. Admissions also decreased, due at least in part to a drop in crime rates. The jail census declined by around 30 percent in the next month, with the daily population decreasing from 5,471 on March 16 to below 4,000 in late April. After hitting a low point in late April, the daily population has been climbing back closer to 4,000 since early May, even surpassing 4,000 during a few days in late May.

Meanwhile, the need to provide space to isolate Covid-19 patients who remained incarcerated led the correction department to temporarily reopen housing units at the Eric M. Taylor Center on Rikers Island at the end of March. That same facility had been closed on March 1, 2020, in accordance with the November citywide savings plan. Under that plan, the Department of Correction planned to close the Taylor Center as well as the Brooklyn Detention Center. The savings plan assumed a decrease in inmate headcount of 840 spread over the two facilities, and savings of \$22 million in 2020 and almost \$70 million in subsequent years. According to the Department of Correction, the current estimated cost of using the Taylor Center through June 30th is \$3.5 million.

The second major development is the revision to the 2019 bail reform law that was included in the state's 2021 enacted budget. Set to take effect in July 2020, the new

law expanded the number of offenses that are bail- and/or remand-eligible, likely increasing the share of those arrested who will be jailed pending bail, including some individuals arrested for certain nonviolent felonies and misdemeanors. The Center for Court Innovation estimated that the pre-trial population could increase by as much as 16 percent after the new law takes effect, an estimate based on pre-Covid population patterns in the city's jails.²

These two changes could have conflicting impacts on planning for the population size and spatial needs of the jail system, which at least for now must incorporate social distancing guidelines, making it difficult to forecast the costs of operating and staffing needs. The impact of the coronavirus greatly reduced the jail population in a short time. The average daily population is now 1,500 lower than before the pandemic prompted the city to release certain people in custody and is unlikely to reach pre pandemic levels in the near term, until a vaccine or treatment for Covid-19 becomes widely available. Meanwhile, greater distancing in jail facilities is also required, which is likely to put upward pressure on staffing needs as the remaining population is dispersed more widely across the system.

At the same time, the retrenchment on bail reform has the potential to cause some increase in pre-trial detention in both the near and long term. Although it is unlikely that the new law could cause the number of individuals detained before trial to increase to pre-Covid levels, the rate at which the pre-trial population had been decreasing prior to Covid-19 could slow as a result of the latest changes. Finally, other community investments outside of the criminal justice system, such as access to mental health and substance use disorder treatments and affordable housing also play a role in supporting decarceration efforts; these programs may be in jeopardy due to state and city budget shortfalls resulting from the Covid-19 pandemic.

Mayor's Executive Budget: Expense Reductions, Capital Spending Delayed

The Executive Budget proposes to close jails (or parts of jails) beginning sometime in 2021 and reduce uniformed headcount by 1,730, saving \$100.4 million in 2021 and \$144.2 million in each of the succeeding years of the financial plan. Total uniformed headcount would fall by 19 percent in 2021 to 7,219. There is also an additional decrease of 159 people planned for 2022, with total uniformed headcount shrinking to 7,060 in 2022; no additional cuts are anticipated for 2023 and 2024. Exactly which jails will close beginning in 2021 has not yet

Decreases in Uniformed Headcount and Uniformed Spending as of the Executive Plan					
	2020	2021	2022	2023	2024
Total Uniform Headcount Forecast	8,949	7,219	7,060	7,060	7,060
Percent Change		-19%	-2%	0%	0%
Projected Savings from Uniform Headcount Reduction, <i>in millions</i>		(\$100)	(\$144)	(\$144)	(\$144)
Total Department of Correction Budget as of Exec Plan, <i>in millions</i>	\$1,319	\$1,195	\$1,171	\$1,171	\$1,171

SOURCES: Mayor's Office of Management and Budget; April 2020 Financial Plan

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been decided.

Although decisions on jail closings have not been released, the Executive Budget does identify the jails with planned reductions in uniformed positions. These are the Manhattan Detention Complex and, on Rikers Island, the Otis Bantum and Anna M. Kross Correctional Centers. The Manhattan Detention Center will need to close sometime soon in order to build the new borough jail in its place, just as the Brooklyn Detention Center was recently closed.

As part of the 1,730 uniform position decrease, the correction department will also eliminate 157 uniform positions from Horizon Juvenile Center. These posts would have ended at some point regardless of budgetary pressures because the positions were only in place temporarily to supervise youth under 18 who had transitioned from Rikers Island in the first years of Raise the Age implementation.³ There is also a reduction of 100

civilian positions across the agency, projected to save \$2.4 million in 2021 and almost \$5 million in later years.

The Capital Commitment Plan also includes some minor revisions relating to the borough-based jail plan and accompanying projects. These shifts reflect changes to the procurement timeline that the Mayor's Office of Management and Budget says would have occurred even in the absence of Covid-19 and the fiscal pressures the city is currently facing. Total spending on borough based jail construction remains at \$8.7 billion, but some spending has been shifted to later in the plan, including the movement of \$140 million from 2020 to future years.

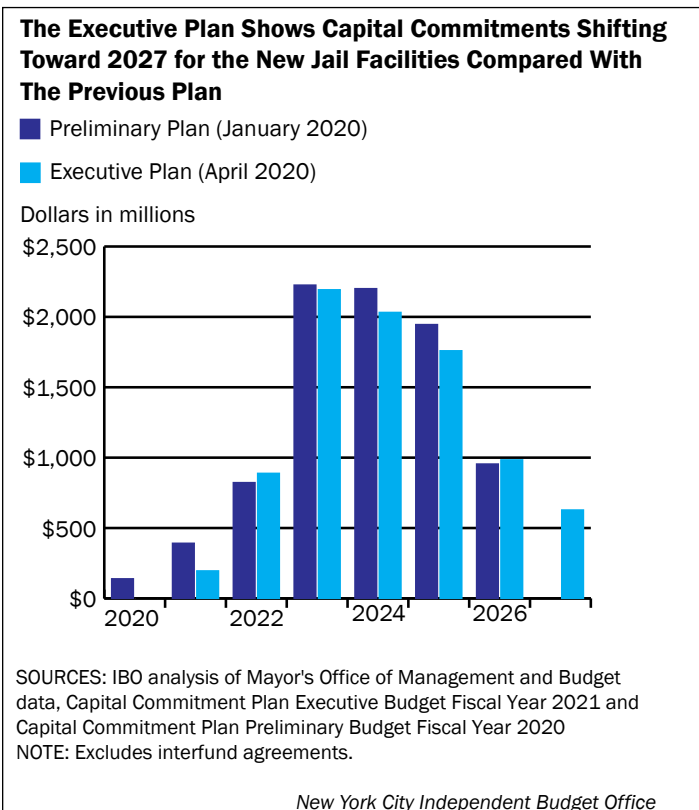
Although not technically a delay in the construction timeline, the commitment plan now reflects the correction department's expectation that actual payments and closeout costs could extend into 2027, after the project is completed; in contrast, the Preliminary Budget showed payments ending in 2026. Planned spending for the new training academy for Department of Correction staff has likewise been shifted to later years of the plan. In the meantime, there are still expenses involved in keeping Rikers Island functioning and safe for staff and people in custody; any delays in construction could require additional spending to maintain the current buildings.

Prepared by Amanda Gallear

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Endnotes

¹Figure is net of interfund agreement (IFA) amounts. IFAs are transfers between the city's Capital Projects Fund and the General Fund to reimburse the General Fund for the expenses of city employees who work on capital projects. As of May 2020, IFAs for the new jails construction totals \$530 million in fiscal year 2020.

²Rempel, M. and Rodriguez, K. 2020. "Bail Reform Revisited: The Impact of New York's Amended Bail Law on Pretrial Detention." New York: Center for Court Innovation. <https://www.courtinnovation.org/publications/bail-revisited-NYS>

³Raise the Age legislation (RTA) increased the age at which a child can be prosecuted as an adult to 18 years old in criminal cases in New York State, requiring localities to begin treating most 16-year-olds who are arrested as juvenile delinquents or adolescent offenders, instead of as adults, by October 1, 2018. (Adolescent offenders is a new category within the juvenile justice system.) The same treatment for most 17-year-olds was required by October 1, 2019. The law also prohibits youth from being held in adult jail or prison facilities, and required all youth to be transferred from Rikers Island by October 1, 2018. Those transferred from Rikers Island are considered Pre-RTA Youth and are housed in a separate secure facility jointly administered by the Administration for Children's Services and the Department of Correction.